

REMARKS

In the Office Action, the Examiner rejects claims 1, 3-7, 9-11, 13, 19, 42, and 45-47 under 35 U.S.C. § 103(a) as being unpatentable over DAHLEN (U.S. Patent No. 5,870,454) in view of AKTAS et al. (U.S. Patent Application Publication No. 2003/0028604); rejects claims 14, 15, 32, and 33 under 35 U.S.C. § 103(a) as being unpatentable over DAHLEN in view of AKTAS et al. and further in view of TULLIS et al. (U.S. Patent No. 5,802,314); rejects claims 16, 17, and 35 under 35 U.S.C. § 103(a) as being unpatentable over DAHLEN in view of AKTAS et al. and further in view of RODRIGUEZ et al. (U.S. Patent Application Publication No. 2002/0067806); rejects claims 18, 36, and 43 under 35 U.S.C. § 103(a) as being unpatentable over DAHLEN in view of AKTAS et al. and further in view of FORTMAN et al. (U.S. Patent No. 5,987,100); rejects claims 20-29, 31, and 34 under 35 U.S.C. § 103(a) as being unpatentable over DAHLEN in view of AKTAS et al. and further in view of THRO et al. (U.S. Patent No. 6,147,977); rejects claim 44 under 35 U.S.C. § 103(a) as being unpatentable over DAHLEN in view of AKTAS et al., further in view of FORTMAN et al., and further in view of RODRIGUEZ et al.; rejects claims 37-40, 48, and 49 under 35 U.S.C. § 103(a) as being unpatentable over DAHLEN in view of TULLIS et al. and further in view of THRO et al.; and rejects claim 41 under 35 U.S.C. § 103(a) as being unpatentable over DAHLEN in view of TULLIS et al., further in view of THRO et al., and further in view of AKTAS et al. The rejections are traversed.¹

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such

By this Amendment, Applicants amend claim 42 to improve form, and add new claims 50-53. No new matter has been introduced. Support for the claim amendments can be found throughout Applicants' original specification, for example, at paragraphs 36 and 54. Claims 1, 3-7, 9-11, 14-29, and 31-53 are pending.

REJECTION UNDER 35 U.S.C. § 103 BASED ON DAHLEN AND AKTAS ET AL.

Claims 1, 3-7, 9-11, 13, 19, 42, and 45-47 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. The rejection is respectfully traversed.

Claim 1 is directed to a method for delivering a message to a receiving party. The method comprises generating a user profile for the receiving party that includes user-defined criteria and delivery data specified by the receiving party; receiving a message and one or more message attachments intended for the receiving party, the message being received in a source message format and the one or more message attachments being received in a source attachment format; determining whether the message should be delivered to the receiving party based on one or more of the user-defined criteria; translating the message from the source message format to message text and the one or more message attachments from the source attachment format into attachment text; converting the message text and the attachment text to an audible message when the message should be delivered to the receiving party; initiating a telephony call to the receiving party at a pre-determined date or time based on the delivery data; and delivering the audible message to the receiving party during the telephony call. This

assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and

combination of features is not disclosed or suggested by DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination.

For example, neither DAHLEN nor AKTAS et al. discloses or suggests converting message text, which has been obtained by translating a message from a source message format to the message text, and attachment text, which has been obtained by translating one or more message attachments from a source attachment format to the attachment text, to an audible message when the message should be delivered to the receiving party. The Examiner asserts that this feature is disclosed by DAHLEN, at col. 6, lines 5-24; col. 7, lines 10-25; and col. 9, lines 17-18 and 26-45 (Office Action, page 5). Applicants respectfully disagree with the Examiner's interpretation of DAHLEN.

At col. 6, lines 5-24, DAHLEN discloses:

At step 236 the prompter & collector inquires whether calling party 22 wishes to attach a file. File attachment means that calling party 22 wishes to include in the message a copy of a standard message. The standard message can be one or more routine messages which are prone to use by many calling parties and hence generally available or, in a more sophisticated embodiment, can be one of the previous message of this particular calling party which has been stored and identified in SDP 50 for calling party 22. If file attachment is not desired, processing continues with the steps shown in FIG. 2B. If file attachment is desired, the prompter & collector permits calling party 22 to select the prestored message at step 238. In this regard, prompter & collector can either simply request calling party 22 to enter an identifier or code for the prestored message, or (at subscriber option) can play a repertoire of prestored messages and permit calling party 22 to select therefrom. In addition, after the prestored message (e.g., attached file) has been selected, the prompter & collector inquires at step 240 whether the attached file needs to be translated from a first language to a second language.

dispute such assertions/requirements in the future.

In this section, DAHLEN discloses a number of steps in connection with Fig. 2 which depicts a speech to text conversion service (col. 3, lines 33-36) in which a calling party 22 without a texting device (col. 8, lines 32-34) interacts with the service (col. 2, lines 20-23). At steps 236 and 238, if calling party 22 elects to attach a file to a message, calling party 22 may opt to have a repertoire of prestored messages played, from which calling party 22 may make a selection. DAHLEN discloses that the prompter & collector inquires of calling party 22 whether the attached file selected needs to be translated from a first language to a second language. Applicants submit that DAHLEN's disclosure of calling party's 22 selection of an attached message from the playing of prestored messages and indication that the attached message needs language translation, is in no way equivalent to converting message text, which has been obtained by translating the message from the source message format to the message text, and attachment text, which has been obtained by translating one or more message attachments from a source attachment format to the attachment text, to an audible message when the message should be delivered to the receiving party, as required by claim 1.

At col. 7, lines 10-25, DAHLEN discloses:

Speech/text converter 80 records the voice message from calling party 22 and temporarily stores the voice message which is incrementally converted to text. After the voice message is received, converter 80 plays an announcement that the calling party 22 should hang up and that his/her text message will be transmitted (see step 272 of FIG. 2B). Converter 80 notifies SCP 40 upon completion of the speech to text conversion. If requested by calling party at steps 240 and 242, as Event E8 the SCP 40 issues a language conversion-enable signal on link 44 to speech/text converter 80, which in turn transmits the message text in a first language to language translator 95 along with instructions regarding the translation (from which first language to which second language, for example). Upon

completion of language translation, SCP 40 is so advised via speech/text converter 80.

In this section, DAHLEN discloses that speech/text converter 80 records a voice message from calling party 22, stores it, and converts it to text; and if calling party 22 has requested, language translator 95 translates the message from a first language to a second language. Nowhere in this section, or elsewhere, does DAHLEN disclose or suggest converting message text, which has been obtained by translating the message from the source message format to the message text, and attachment text, which has been obtained by translating one or more message attachments from a source attachment format to the attachment text, to an audible message when the message should be delivered to the receiving party, as required by claim 1.

At col. 9, lines 16-18 and 26-45, DAHLEN discloses:

In the embodiment illustrated in FIG. 4, speech/text converter 80 performs conversion of a text message to a speech message.

* * *

The network of FIG. 4, in addition to providing the speech to text conversion described with reference to FIG. 1, for example, also provides a service of converting text messages to speech messages. In brief, calling party 22 dials the directory number for the text-to-speech conversion service using a telephone. Calling party 22 is connected to the service via SCP 30. SCP 30 sets up a dialogue with the calling party, with the calling party responding either by voice or DTMF. In the course of the dialogue, calling party 22 selects from one of a plurality of prestored text messages. Further, calling party 22 selects a distribution list and (optionally) a time of delivery for the messages. The establishment and editing of distribution lists are understood with reference to preceding discussion. Upon completion of the dialogue, SCP 30 enables conversion of the text message to voice and (at the time selected by the calling party) arranges delivery of the voice message to the called party(ies) on the distribution list. Delivery of the voice messages is to phone-based networks 110.

In these sections, DAHLEN discloses an embodiment in which a calling party 22 selects one of a number of prestored text messages and the selected text message is converted to voice and delivered as a voice message to the called party(ies). DAHLEN does not disclose or remotely suggest that the prestored text message was obtained by translating a message or one or more message attachments from a source format to message/attachment text, as would be required by claim 1. Thus, nowhere in this section, or elsewhere, does DAHLEN disclose or suggest converting message text, which has been obtained by translating the message from the source message format to the message text, and attachment text, which has been obtained by translating one or more message attachments from a source attachment format to the attachment text, to an audible message when the message should be delivered to the receiving party, as required by claim 1. AKTAS et al. also fails to disclose or suggest these features.

Furthermore, DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, do not disclose or suggest initiating a telephony call to a receiving party at a pre-determined date or time based on delivery data specified by the receiving party, as also recited by claim 1. The Examiner asserts that this feature is disclosed by DAHLEN, at col. 7, line 45 – col. 8, line 29; col. 8, lines 42-53; col. 9, lines 61-67; and col. 10, lines 11-48 (Office Action, page 5). Applicants respectfully disagree.

Applicants have carefully studied each of the sections of DAHLEN identified by the Examiner and respectfully submit that neither these sections, nor any other portion of the DAHLEN disclosure, supports the Examiner's assertion. In stark contrast to the above feature of claim 1, DAHLEN specifically discloses permitting a calling party to

select a target time for delivery of a message to a called party. See, e.g., col. 9, lines 61-67 of DAHLEN, which discloses:

As part of the dialogue, prompter & collectors 70, 72 provide a series of audible menus. The menus include menus to select a desired prestored text message; menus to select a distribution list of called party(ies) to whom the message is to be delivered; and, a menu (optional) which permits calling party 22 to select delivery of the message either immediately or at a target time selected by calling party 22.

(emphasis added). Thus, nowhere in the sections relied upon by the Examiner, or elsewhere, does DAHLEN disclose or suggest initiating a telephony call to a receiving party at a pre-determined date or time based on delivery data specified by the receiving party, as required by claim 1. AKTAS et al. also does not disclose or suggest this feature.

For at least the foregoing reasons, claim 1 is patentable over DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination.

Claims 3-7, 9-11, and 13 depend from claim 1 and are, therefore, patentable over DAHLEN and AKTAS et al. for at least the reasons given with respect to claim 1.

Independent claim 19 recites features similar to, yet possibly of different scope than, features recited in claim 1. Claim 19 is, therefore, patentable over DAHLEN or AKTAS et al., whether taken alone, or in any reasonable combination, for at least reasons similar to reasons given with respect to claim 1.

Independent claim 42, as amended, recites a method for providing enhanced message services. The method comprises, prior to monitoring messages, interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user; monitoring a message server for arrival of new messages intended for the user; and processing the new

messages, including: determining whether the new messages should be delivered to the user based on the user profile, translating the new messages from a source format to a text format, and converting the new messages from the text format to an audible format, as audible messages, when the new messages should be delivered to the user. The method also comprises delivering the audible messages to the user based on the at least one message criterion, including: initiating a telephony call to the user at the indicated date or time, and presenting the audible messages to the user during the telephony call. This combination of features is not disclosed by DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination.

For example, DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, do not disclose or suggest interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, as required by claim 42. The Examiner asserts that DALEN discloses, “prior to monitoring messages, interacting with a caller to generate a user profile that identifies at least one message criterion that indicates when the messages should be delivered to the user,” citing col. 6, lines 51-65, for support (Office Action, pages 8-9). The Examiner, at page 9 of the Office Action, admits that DAHLEN does not disclose or suggest “interacting with a user to generate a user profile that identifies at least one message criterion.” The Examiner asserts that this undisclosed feature of DAHLEN is nevertheless disclosed at paragraphs 36, 38, 39, and 45 of AKTAS et al. (Office Action, page 8). Applicants respectfully submit that neither DAHLEN nor AKTAS et al. discloses or suggests interacting with a user to generate a

user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, as required by claim 42.

DAHLEN, at col. 6, lines 51-67, discloses:

Thus, at step 252, calling party 22 can indicate a particularly timed distribution of the message rather than normal distribution. In response, at step 254 the prompter & collector permits calling party 22 to enter the predetermined call time or target time for the distribution. In entering the target time at step 254, calling party 22 may simply enter or speak the digits of the target time, or may request a menu of routing times and respond as desired to the menu. The target time information gleaned at step 254 is included in the current call record for calling party 22.

Upon completion either of step 254 or in the case the flag time_list is not set at step 250, step 270 is executed. At step 270, the service prepares prompts and receives the voice message from calling party 22. Step 270 of FIG. 2B shows the prompter & collector prompting calling party 22 to record (e.g., to speak) his/her message (after a predetermined ready signal [e.g., "beep"]).

This portion of DAHLEN discloses that the prompter & collector permits calling party 22 to enter the predetermined call time or target time for the distribution of the calling party's 22 message. Thus, nowhere in this portion, or elsewhere, does DAHLEN disclose or suggest interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, as required by claim 42.

Upon careful study of the portions of AKTAS et al. relied upon by the Examiner, Applicants respectfully submit that AKTAS et al. also does not disclose or suggest interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, as required by claim 42. Paragraphs 45-48 of AKTAS et al., for example, disclose:

Data is transmitted to the pager based on a user defined data selection criteria which is stored as a template in the system profile for the

user. The data available for selection includes sender same [sic], time, summary, message priority, un-summarized text, and other fields as available.

The user describes a template that indicates the information desired and the number of characters of each field desired. For example:

"From %SENDER% at %TIME%: %100SUMMARY%"

indicates that the user wants a string that includes the entire sender name, the received time and the first 100 characters of the summary to appear on his pager.

This portion of AKTAS et al. merely discloses that the particular data from a message to be transmitted to a user's pager may be user defined data selection criteria (e.g., sender name, the received time, summary, message priority, un-summarized text, etc.) which is stored as a template in the system profile for the user. Nowhere in this portion, or elsewhere, does AKTAS et al. disclose or suggest interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, as required by claim 42.

DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, also do not disclose or suggest translating new messages from a source format to a text format, and converting the new messages from the text format to an audible format, as audible messages, when the new messages should be delivered to the user, as further recited by claim 42, for at least the reasons given with respect to claim 1.

Moreover, because DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, do not disclose or suggest interacting with a user to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user, DAHLEN and AKTAS et al., whether

taken alone, or in any reasonable combination, cannot disclose or suggest initiating a telephony call to the user at the indicated date or time, as further required by claim 42.

For at least these reasons, claim 42 is patentable over DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination.

Claims 45-47 depend from claim 42 and are, therefore, patentable over DAHLEN and AKTAS et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 42.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3-7, 9-11, 13, 19, 42, and 45-47 under 35 U.S.C. § 103 based on DAHLEN and AKTAS et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, AKTAS ET AL., AND TULLIS ET AL.*

Claims 14, 15, 32, and 33 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of TULLIS et al. The rejection is respectfully traversed.

Claims 14 and 15 depend from claim 1. TULLIS et al. does not remedy the above-identified deficiencies in the disclosures of DAHLEN and AKTAS et al. with respect to claim 1. Thus, claims 14 and 15 are patentable over DAHLEN, AKTAS et al., and TULLIS et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 1.

Applicants note that claims 32 and 33 depend from claim 20. Claim 20 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of THRO et al. Thus, the rejection of claims 32 and 33

based on DAHLEN, AKTAS et al., and TULLIS et al. is improper. In any event, TULLIS et al. does not cure the deficiencies in the disclosures of DAHLEN, AKTAS et al. and THRO et al. set forth below with respect to claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 14, 15, 32, and 33 under 35 U.S.C. § 103 based on DAHLEN, AKTAS et al., and TULLIS et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, AKTAS ET AL., AND RODGRIGUEZ ET AL.*

Claims 16, 17, and 35 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of RODGRIGUEZ et al. Applicants respectfully traverse the rejection.

Claims 16 and 17 depend from claim 1. RODGRIGUEZ et al. does not remedy the above-identified deficiencies in the disclosures of DAHLEN and AKTAS et al. with respect to claim 1. Thus, claims 16 and 17 are patentable over DAHLEN, AKTAS et al., and RODGRIGUEZ et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 1.

Applicants note that claim 35 depends from claim 20. Claim 20 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of THRO et al. Thus, the rejection of claim 35 based on DAHLEN, AKTAS et al., and RODGRIGUEZ et al. is improper. In any event, RODGRIGUEZ et al. does not cure the deficiencies in the disclosures of DAHLEN, AKTAS et al. and THRO et al. set forth below with respect to claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 16, 17, and 35 under 35 U.S.C. § 103 based on DAHLEN, AKTAS et al., and RODGRIGUEZ et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, AKTAS ET AL., AND FORTMAN ET AL.*

Claims 18, 36, and 43 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of FORTMAN et al. Applicants respectfully traverse the rejection.

Claims 18 and 43 depend from claims 1 and 42, respectively. FORTMAN et al. does not remedy the above-identified deficiencies in the disclosures of DAHLEN and AKTAS et al. with respect to claims 1 and 42. Thus, claims 18 and 43 are patentable over DAHLEN, AKTAS et al., and FORTMAN et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claims 1 and 42.

Applicants note that claim 36 depends from claim 20. Claim 20 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of THRO et al. Thus, the rejection of claim 36 based on DAHLEN, AKTAS et al., and FORTMAN et al. is improper. In any event, FORTMAN et al. does not cure the deficiencies in the disclosures of DAHLEN, AKTAS et al. and THRO et al. set forth below with respect to claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 18, 36, and 43 under 35 U.S.C. § 103 based on DAHLEN, AKTAS et al., and FORTMAN et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, AKTAS ET AL., AND THRO ET AL.*

Claims 20-29, 31, and 34 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. and further in view of THRO et al. The rejection is respectfully traversed.

Independent claim 20 is directed to a message delivery system that comprises a message receiver and a call processor. The message delivery system is configured to obtain a message with one or more message attachments intended for a receiving party, the message being obtained in a source message format and the one or more message attachments being obtained in a source attachment format, determine whether the message should be delivered to the receiving party, convert the message from the source message format to a target format when the message should be delivered to the receiving party, and convert the one or more message attachments from the source attachment format into the target format. The call processor is configured to convert the message from the target format to an audible format, initiate a telephony call to the receiving party at a time specified by the receiving party, and deliver the message in the audible format to the receiving party during the telephony call. This combination of features is not disclosed or suggested by DAHLEN, AKTAS et al., and THRO et al., whether taken alone, or in any reasonable combination.

For example, DAHLEN, AKTAS et al., and THRO et al., whether taken alone, or in any reasonable combination, do not disclose or suggest a call processor configured to initiate a telephony call to a receiving party at a time specified by the receiving party. The Examiner admits that this feature is not disclosed by DAHLEN or AKTAS (Office

Action, page 13). The Examiner asserts that this feature is disclosed by THRO et al. at col. 3, lines 1-6, 52-59; col. 5, lines 26-45; and col. 6, lines 1-15 (Office Action, page 13). Applicants respectfully disagree.

Upon careful study of the portions of THRO et al. relied upon by the Examiner, Applicants respectfully submit that THRO et al. does not disclose or suggest a call processor configured to initiate a telephony call to a receiving party at a time specified by the receiving party, as required by claim 20. Col. 6, lines 1-15 of THRO et al., for example, discloses:

The time of day priority table 82 includes two fields, one for the time of day and the other for user-defined priorities. For notice of messages and/or messages received between 7:00 p.m. and 6:00 a.m., the user-defined priority is established to be level 1 unless the message has an originator priority equating to a user defined priority of level 4 or above, then the user defined priority is level 4. For notice of messages and/or messages received between 6:00 a.m. and 9:00 a.m. or received during 12:00 p.m. and 2:00 p.m., the user defined priority is level one unless the message has an originator priority equating to a user defined priority of level 3 or above, then the user defined priority is level 3. For notice of messages and/or messages received between 9:00 a.m. and 12:00 p.m. or between and received between 2:00 p.m. and 7:00 p.m., the user has placed no restrictions on the incoming messages and notice of messages.

This section of THRO et al., in connection with Fig. 2, discloses a time of day priority table 82, as part of a message priority matrix, which includes a field for the time of day that a message is received at THRO et al.'s server 52 from the originating party 50, and a field for associated user-defined priorities. Nowhere in this section, or elsewhere, does THRO et al. disclose or suggest a call processor configured to initiate a telephony call to a receiving party at a time specified by the receiving party, as required by claim 20.

For at least the foregoing reasons, claim 20 is patentable over DAHLEN, AKTAS et al., and THRO et al., whether taken alone, or in any reasonable combination.

Claims 21-29, 31, and 34 depend from claim 20 and are, therefore, patentable over DAHLEN, AKTAS et al., and THRO et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claim 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 21-29, 31, and 34 under 35 U.S.C. § 103 based on DAHLEN, AKTAS et al., and THRO et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, AKTAS ET AL., FORTMAN ET AL., AND RODRIGUEZ ET AL.*

Claim 44 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of AKTAS et al. further in view of FORTMAN et al. and further in view of RODRIGUEZ et al. The rejection is respectfully traversed.

Claim 44 depends from claim 43. RODRIGUEZ et al. does not remedy the above-identified deficiencies in the disclosures of DAHLEN, AKTAS et al., and FORTMAN et al. with respect to claim 43. Thus, claim 44 is patentable over DAHLEN, AKTAS et al., FORTMAN et al., and RODRIGUEZ et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claims 43.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 44 under 35 U.S.C. § 103 based on DAHLEN, AKTAS et al., FORTMAN et al., and RODRIGUEZ et al.

REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, TULLIS ET AL., AND THRO ET AL.

Claims 37-40, 48, and 49 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of TULLIS et al. and further in view of THRO et al. The rejection is respectfully traversed.

Independent claim 37 is directed to a computer-readable medium that stores instructions executable by at least one computer to perform a method for presenting a message to a receiving party. The computer-readable medium comprises instructions for obtaining a message intended for the receiving party, the message including one or more message attachments; instructions for determining whether the one or more message attachments are convertible into a target format; instructions for translating the one or more message attachments into the target format when the one or more message attachments are convertible into the target format; instructions for generating a description of the one or more message attachments when the one or more message attachments are not convertible into the target format; instructions for initiating a voice call to the receiving party at a predetermined date and time specified by the receiving party; and instructions for presenting the message with the one or more attachments or the generated description to the receiving party during the voice call. This combination of features is not disclosed by DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination.

For example, DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination, do not disclose or suggest instructions for initiating a voice call to a receiving party at a predetermined date and time specified by the receiving

party. On the one hand, the Examiner asserts that this feature is disclosed by DAHLEN, at col. 7, line 45 – col. 8, line 29, lines 42-53; and col. 9, lines 61-67; and col. 10, lines 11-48 (Office Action, page 17), and on the other hand, the Examiner admits that this feature is not disclosed by DAHLEN or TULLIS et al. (Office Action, page 18). The Examiner nevertheless asserts that this feature is disclosed by THRO et al. at col. 3, lines 1-6, 52-59; col. 5, lines 26-45; and col. 6, lines 1-15 (Office Action, page 18). In any event, Applicants respectfully submit that DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination, do not disclose or suggest instructions for initiating a voice call to a receiving party at a predetermined date and time specified by the receiving party, as recited in claim 37.

Applicants have carefully studied each of the sections of DAHLEN identified by the Examiner and respectfully submit that neither these sections, nor any other portion of the DAHLEN disclosure, supports the Examiner's assertion. To the contrary, DAHLEN specifically discloses permitting a calling party to select a target time for delivery of a message to a called party. See, e.g., col. 9, lines 61-67 of DAHLEN, which is reproduced above. Thus, nowhere in the sections relied upon by the Examiner, or elsewhere, does DAHLEN disclose or suggest instructions for initiating a voice call to a receiving party at a predetermined date and time specified by the receiving party, as required by claim 37.

Upon careful study of the portions of THRO et al. relied upon by the Examiner, Applicants respectfully submit that THRO et al. does not disclose or suggest instructions for initiating a voice call to a receiving party at a predetermined date and time specified by the receiving party, as required by claim 37. Col. 6, lines 1-15 of THRO et al., for

example, is reproduced above. This section of THRO et al., in connection with Fig. 2, discloses a time of day priority table 82, as part of a message priority matrix, which includes a field for the time of day that a message is received at THRO et al.'s server 52 from the originating party 50, and a field for associated user-defined priorities. Nowhere in this section, or elsewhere, does THRO et al. disclose or suggest instructions for initiating a voice call to a receiving party at a predetermined date and time specified by the receiving party, as required by claim 37.

Thus, claim 37 is patentable over DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination.

Claims 38-40 depend from claim 37 and are, therefore, patentable over DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination, for at least reasons given with respect to claim 37.

Independent claim 48 is directed to an automated method for delivering a message to a receiving party. The method comprises receiving a message intended for the receiving party, the message including a message portion and one or more attachments in a source format; determining whether the one or more attachments can be converted to a target format; translating the one or more attachments into the target format when the one or more attachments can be converted to the target format; generating a description of the one or more attachments when the one or more attachments cannot be converted to the target format; converting the message portion to an audible message; initiating a telephony call to a telephony device associated with the receiving party at a predetermined date and time specified by the receiving party; and delivering the audible

message and the one or more attachments or the generated description to the receiving party during the telephony call. This combination of features is not disclosed by DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination.

For example, DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination, do not disclose or suggest initiating a telephony call to a telephony device associated with the receiving party at a predetermined date and time specified by the receiving party, as required by claim 48, for at least reasons similar to reasons given with respect to claim 37. Thus, claim 48 is patentable over DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination.

Claim 49 depends from claim 48 and is, therefore, patentable over DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination., for at least the reasons given with respect to claim 48.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 37-40, 48, and 49 under 35 U.S.C. § 103 based on DAHLEN, TULLIS et al., and THRO et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
DAHLEN, TULLIS ET AL., THRO ET AL., AND AKTAS ET AL.*

Claim 41 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DAHLEN in view of TULLIS et al. further in view of THRO et al. and further in view of AKTAS et al. Applicants respectfully traverse the rejection.

Claim 41 depends from claim 37. AKTAS et al. does not remedy the above-identified deficiencies in the disclosures of DAHLEN, TULLIS et al., and THRO et al.

with respect to claim 37. Thus, claim 41 is patentable over DAHLEN, TULLIS et al., THRO et al., and AKTAS et al., whether taken alone, or in any reasonable combination, for at least the reasons given with respect to claims 37.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 37 under 35 U.S.C. § 103 based on DAHLEN, TULLIS et al., and AKTAS et al.

NEW CLAIMS

New claims 50-53 recite features not disclosed or suggested by the art of record. For example, claims 50-53 depend from claim 1 and are, therefore, patentable over the art of record for at least the reasons given above with respect to claim 1. Moreover, claims 50-53 recite features not disclosed or suggested by the art of record, whether taken alone, or in any reasonable combination.

Claim 50 recites that the delivery data specifies a minimum number of messages that are to be delivered to the receiving party before the initiating of the telephony call is performed. This feature is not disclosed or suggested by the art of record, whether taken alone, or in any reasonable combination.

Claim 51 recites that the initiating a telephony call comprises detecting at least one failed attempt to establish the telephony call, and performing, following the at least one failed attempt, a retry of initiating the telephony call up to a maximum number of retries specified by the delivery data. This feature is not disclosed or suggested by the art of record, whether taken alone, or in any reasonable combination.

Claim 52 recites that the initiating a telephony call comprises failing to establish the telephony call, and retrying, after an interval lapses since the failing to establish the telephony call, to initiate the telephony call, wherein the interval is specified by the delivery data. This feature is not disclosed or suggested by the art of record, whether taken alone, or in any reasonable combination.

Claim 53 recites that the initiating a telephony call comprises calling a first telephone number specified in the delivery data, failing to establish the telephony call to the first telephone number, and calling a second number specified by the delivery data. This feature is not disclosed or suggested by the art of record, whether taken alone, or in any reasonable combination.

For at least these reasons, Applicants solicit the consideration and allowance of claims 50-53.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 1, 3-7, 9-11, 14-29, and 31-53. If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the

PATENT

U.S. Patent Application No. 10/016,551

Attorney's Docket No. 01-8007RCE1

filng of this paper, including extension of time fees, to Deposit Account No. 50-1070
and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: /Garth D. Richmond/
Garth D. Richmond
Registration No. 43,044

Date: June 12, 2007

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 25537